

### **REMARKS**

This paper is filed in response to the Advisory action mailed on May 20, 2008. In the Advisory action, Applicant's Amendment after Final submitted on May 5, 2008 is not entered by the Examiner because the amendment allegedly introduces new matter. In particular, the Examiner asserts that the "continuous coating" recited in the amended independent claim 22 is not described anywhere in the specification. Applicant respectfully disagrees. According to one embodiment of the specification, the gelatin composition may be formed by: 1) forming a cross-linked gelatin sponge; 2) forming a solution of a wetting agent; 3) soaking the gelatin sponge in the wetting agent solution; and 4) drying the gelatin sponge (page 18, line 25 to page 19, line 22). Applicant submits that one of ordinary skill in the art would recognize that, as a result of the aforementioned process, the wetting agent is inherently present as a continuous coating on the cross-lined gelatin sponge. No new matter is introduced.

Turning to the outstanding Office action mailed on March 7, 2008, claims 34-38 are withdrawn from consideration and the remaining pending claims 22-33 and 42 are rejected as being obvious over prior art. In response, Applicant has amended independent claim 22 to further distinguish the claimed subject matter from the prior art cited by the Examiner. In view of the amendment and remarks provided herein, applicant submits that the obviousness rejections are overcome and that each of the amended set of claims is in a condition for allowance. Accordingly, reconsideration and withdrawal of the obviousness rejections are respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

In the outstanding Office action, claims 22-29 and 42 are rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Japanese Patent No. 02-182259 ("Yasushi"). The

Examiner maintains that: 1) the difference between Yasushi and the instant application is that Yasushi does not explicitly teach the coating of the wetting agent on the surface of the gelatin composition but such coating would be apparent to one of ordinary skill in the art because Yasushi teaches the soaking of a gelatin sponge in a surfactant solution on page 6, lines 8-12 (page 5 of the Office action); and 2) because Yasushi teaches the mixing of the gelatin with the surfactant before drying, it is expected that after drying the surfactant will be mixed with the gelatin sponge and a “partial coating” of the surfactant on the gelatin will be obtained (page 5 of the Office action).

Applicant, however, respectfully disagrees with the Examiner’s first assertion, Applicant maintains that Yasushi discloses a hemostatic sticking plaster formed by: (1) forming an aqueous gelatin solution; (2) adding a surfactant to the gelatin solution; (3) stirring the solution to form a foam and freeze-drying the foam to obtain a gelatin sponge; and (4) soaking the sponge in an organic solvent solution containing a cross-linking agent in order to cross-link the gelatin or the like. Thus, contrary to the Examiner’s first assertion, Yasushi’s gelatin sponge is soaked in a solution of crosslinking agent, not a surfactant.

Regarding the second assertion, the Examiner admits that “Yasushi teaches crosslinked gelatin foam *impregnated* with the wetting agent” (page 6 of the Office action, emphasis added). Nevertheless, the Examiner appears to have taken the position that “a small portion of Yasushi’s surfactant ... present on the surface of the gelatin sponge ... reads on ‘substantial portion of the surface is coated with wetting agent’” because the definition of “substantial portion” is absent from the specification (page 6 of the Office action). Further, without challenging the definition of “coating” submitted by the Applicant, and without challenging the Applicant’s argument that the evenly impregnated wetting agent cannot form a continuous layer on the surface of Yasushi’s

gelatin sponge, the Examiner appears to have based his rejection merely on the fact that “continuous coating” is not explicitly recited in the rejected claims (page 6 of the Office action). Applicant has hereby further amended the only pending independent claim of this application to require that “the wetting agent is present as a continuous coating”, which clearly distinguishes from the evenly impregnated wetting agent in Yasushi’s gelatin sponge.

Because Yasushi’s gelatin sponge does not include a continuous coating of a surfactant or wetting agent on the surface thereof, as now required by each of the amended set of claims, Yasushi fails to teach or suggest each and every element of the amended set of claims. Consequently, the obviousness rejection asserted against claims 22-29 and 42 is overcome and must be withdrawn.

Further, claims 30 and 32-33 are rejected under 35 U.S.C. § 103(a) as being obvious over Yasushi in view of U.S. Patent No. 6,603,061 (“Wallace”); and claim 31 is rejected under 35 U.S.C. § 103(a) as being obvious over Yasushi in view of European Patent No. EP5568334 (“Song”). The deficiencies of Yasushi are addressed above. Like Yasushi, neither Wallace nor Song teaches or suggests a surfactant or wetting agent present as a continuous coating on the surface of a gelatin sponge, and therefore no combination of Wallace or Song with Yasushi teaches or suggests each and every element of the amended set of claims. Thus, the amended set of claims should not be rendered obvious over Yasushi in view of either Wallace or Song. Accordingly, the obviousness rejections asserted against the aforementioned claims should be withdrawn as well.

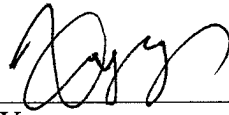
An early action indicating the allowability of this application is respectfully requested. If a telephone call would expedite prosecution of the subject application, the Examiner is invited to

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call the undersigned agent. The undersigned verifies that he is authorized to act on behalf of the assignee of the present application.

Dated: June 6, 2008

Respectfully submitted,

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